

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Dawn Kessler v David M Kessler**

Docket No. **278787**

L.C. No. **05-030509-DO**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed by Henry Kessler Trust et al is DISMISSED for lack of jurisdiction. MCR 7.203(A) only permits an aggrieved party to file a claim of appeal. The appellants in this case are not parties. A review of the register of actions of the circuit court shows that the appellants made no attempt to intervene and there has been no assertion that appellants did not know about the divorce proceeding or the entry of the judgment of divorce in time to file a motion to intervene in the trial court under MCR 2.209. It is not unusual to see persons or entities intervene in divorce cases where one of the divorcing parties has a financial connection with those persons or entities. The two cases cited by appellants do not involve situations where strangers to the case appear for the first time in the Court of Appeals and label themselves as "intervening defendants" though never making a request to intervene. In *Kolar v Hudson*, 55 Mich App 114 (1974) this Court in part declined to give relief to appellant because he never completed his attempt to intervene. The appellants in this case never made an attempt to intervene.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG - 3 2007

Date

Sandra Schultz Mengel
Chief Clerk